

### REMARKS

Applicant has reviewed the Office Action mailed on May 9, 2003. Claims 1-35 are pending in this application.

#### Rejections Under 35 U.S.C. § 103

Claims 1-4, 6-9, 11-16 and 18-19 were rejected under 35 USC § 103(a) as being unpatentable over Fathi (U.S. Patent No. 4,656,559) in view of Hata et al. (U.S. Patent No. 4,815,913).

Independent Claim 1 is directed to a receptacle for confining circuit cards to different locations within a housing. The receptacle includes a frame comprising an array of slots, each slot containing one of the circuit cards and a cam selectively engageable with the frame for clamping the circuit cards within the frame.

Independent Claim 12 is directed to a receptacle for confining circuit cards to different locations within a housing. The receptacle including at least at least one frame partitioned into first and second sub-frames by a first partition, each of the first and second sub-frames partitioned into an array of slots by a plurality of second partitions, each slot containing one of the circuit cards and at least one cam selectively engageable with the first sub-frame to clamp the circuit cards within the at least one frame.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. MPEP 2143 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Moreover, when applying 35 U.S.C. §103, the claimed invention must be considered as a whole; the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and a reasonable expectation of success is the standard with which obviousness is determined. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

Applicant respectfully traverses the rejection of independent Claims 1 and 12 for the reasons set out in the arguments put forth in the Response filed on May, 5, 2003 and for the reasons herein. In response to the Applicant's prior response, the Examiner stated:

In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the cam of Hata et al. with the frame of Fathi for the purposes of providing a more secure means of attachment of the circuit boards.

The Examiner's statement is incorrect. In particular, Claim 1 of the present application includes the element "a cam selectively engageable with the frame for clamping the circuit cards within the frame." Claim 12 includes the element "at least one cam selectively engagable with the first sub-frame to clamp the circuit cards within the at least one frame." Neither the Fathi nor the Hata et al. reference alone or in combination teach or suggest "a cam selectively engageable with the frame for clamping the circuit cards within the frame" or "at least one cam selectively engagable with the first sub-frame to clamp the circuit cards within the at least one frame." As the Examiner acknowledged in both Office Actions, the Fathi reference "does not disclose a cam selectively engagable with the frame for clamping the circuit cards within the frame." The Fathi reference relates to a heat sink housing with internal grooves to support circuit boards and external ridges to maximize radiation dissipation. Please refer to the abstract of the Fathi reference and the specification. The Hata et al reference relates to a device that mounts electronic components on a circuit board to form a circuit. Please refer to the abstract of the Hata et al reference. The cam roller 9 of the Hata et al. reference is a part of device that moves

elevation members 5 up and down. Please see Figure 5, Column 4, lines 58-64 and claim 1 of the Hata et al. reference. This in part creates an electronic mounting device which is capable of mounting electronic components of differing heights on circuit boards at high speeds without damaging the circuit boards. Please refer to column 2, lines 6-16 and column 6, lines 1-19 of the Hata et al. reference. The roller cams of the Hata et al. reference have no relation to the cams of the present invention that clamp circuit cards in a frame. Therefore, the Hata et al. reference does not teach the use of "cams" as they are disclosed and claimed in the present application. Since neither the Hata et al. reference nor the Fathi reference teach every element of independent claims 1 and 12, a *prima facie* case of Obviousness has not been shown by the examiner.

In addition, if you combined the Fathi and Hata et al. references you would not get what is claimed in independent Claims 1 and 12 of the present invention. Moreover, a conclusion of obviousness could only be arrived at with the use of impermissible hindsight. That is, only by looking at the present application would one be able to make an argument of obviousness since there is no suggestion or motivation in the art references to combine them to come up with what is claimed in Claims 1 and 12 of the present application. Accordingly, for this further reason, a *prima facie* case of obviousness has not been shown. Therefore the Applicant respectfully request the withdrawal of the rejection of Claims 1 and 12 under 35 U.S.C. §103.

Since, dependant Claims 2-4, 6-9, 11, 13-16 and 18-19 depend from and further define independent claims 1 or 12 respectively, Applicant believes these claims are also allowable and requests the withdrawal of the rejections of these claims. Since the Applicant believes these dependant claims are allowable for the above reasons, other rejections have not been addressed in this response. The Applicant, however, reserves the right to respond to said rejections if further responses are required.

#### Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 21-35 are allowed over the prior art. In addition, Applicant thanks the Examiner for the indication that claims 5, 10, 17 and 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

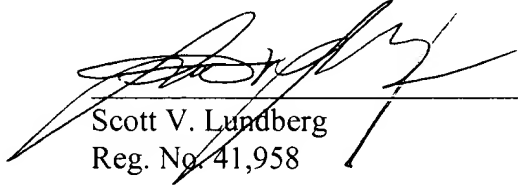
**CONCLUSION**

Applicant respectfully submits that claims 1-35 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Respectfully submitted,

Date: 7-9-03

  
\_\_\_\_\_  
Scott V. Lundberg  
Reg. No. 41,958

Attorneys for Applicant  
Fogg and Associates, LLC  
P.O. Box 581339  
Minneapolis, MN 55458-1339  
T – (612) 332-4720  
F – (612) 677-3553